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PATENT APPLICATION

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ATTORNEY DOCKET NO. ___**100110363-1**___

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):   Pieter J. van Zee

Application No.: 10/080,971

Filing Date: 02/21/2002

Confirmation No.: 1586

Examiner: Hanh B. Thai

Group Art Unit: 2163

Title: **Automatically Processing Digital Assets of a Digital Camera**

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on ___January 7, 2008___ .

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

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Respectfully submitted,

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Hanh B. Thai
Pieter J. van Zee)	
).	Art Unit: 2163
Serial No.: 10/080,971)	
)	
Filed: February 21, 2002)	
)	
For: AUTOMATICALLY PROCESSING)	
DIGITAL ASSETS OF A DIGITAL CAMERA)	
)	
Date of Examiner's Answer:)	Attorney Docket No.:
January 7, 2008)	100110363-1
)	

Mail Stop Appeal Brief – Patents
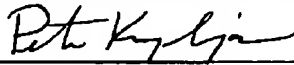Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF under 37 CFR §41.41

Dear Sir:

This Reply Brief is timely provided within two months from the mailing date of the Examiner's Answer dated January 7, 2008.

CERTIFICATE OF FACSIMILE

I hereby certify that these papers are being transmitted to The United States Patent and Trademark Office facsimile number (571) 273-8300 on March 7, 2008.

Peter Kraguljac

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<u>Reply</u>

In response to the Examiner's Answer, dated January 7, 2008, Appellant respectfully submits the following reply as permitted under 37 CFR §41.41(a)(1). The Examiner's Answer contained no new grounds of rejection and the present reply contains no new amendment, affidavit or other evidence. Thus a formal Brief is not required. The present reply supplements Appellant's Appeal Brief in view of the Examiner's Answer.

Appellant notes that a second Examiner's Answer was issued Feb. 5, 2008. The second Answer appears to be an exact duplicate of the first Examiner's Answer issued on Jan. 7, 2008. If this is not the case, Appellant respectfully requests the examiner to clarify the reasoning for the multiple answers. Otherwise, the present response will serve to address both Examiners' Answers.

The following sections address the Examiner's Answer by topic as they appear page 11 and section "(10) Response to Argument." Citations to page numbers from the Examiner's Answer will be referred to as "EA __".

  I.   **Whether Claims 1-11 are unpatentable under 35 U.S.C. §103(a) as being obvious over Parulski et al. (US 6,567,119 B1) in view of Kain, III et al. (US 6,119,118).**

The rejections are based on an interpretation of the term "set of assets" as being a set of pixel values from an image. In other words according to the Office Action, the assets read on the internal content that forms an image file. As Appellant has repeated stated, this interpretation is incorrect. The term "assets" as used in the application refers to sets of files, not the pixel values from a file. It is well settled that an applicant is entitled to be his or her own lexicographer MPEP 2111.01 (IV). The

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present specification clearly and deliberately defines assets as pictures, movies, and audio, which one of ordinary skill in the art very well understands are files (see specification, page 2, [0002], lines 4-5: "...the organization of the digital assets such as pictures, movies, audio, metadata...").

The specification further teaches that a camera asset is a file, not the pixels of a file, in paragraph [0009], which discusses "naming of captured assets" (specification, page 3, [0009] lines 3-4). It is well known in the art that files are named. Individual pixels from an image file are not named. Thus camera assets do not refer to the internal pixel values of a file, but refer to the sets of files themselves. Likewise, the term "asset organization structure" as used in the claims has been clearly defined in the specification. It refers to how files are organized, not how internal data content of a single file is organized.

MPEP 2111.01 (IV) instructs examiner's to use the claim term meanings in the context of the specification when explicit definitions are provided:

> Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings").

Therefore, the rejections are based on an unfounded definition of "assets." This unfounded definition is then used to apply the unrelated teachings of Parulski. As explained in Appellant's Appeal Brief, Parulski concerns changing the internal data format of an individual file and does not concern changing how a group of files is organized. In particular, Parulski teaches converting the internal image data of a file from a first data format like FlashPix to a second data format like JPEG (see column 3, lines 14-19). Parulski is not on point and irrelevant to the present claims.

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Accordingly, Parulski fails to teach or suggest the elements for which it is relied upon. Referring to claim 1, Parulski fails to teach or suggest:

receiving a set of assets and metadata from a digital camera that have been organized by the digital camera into a camera asset organization structure; and

processing the set of assets and metadata using the selected restructuring scheme to convert the camera asset organization structure into a selected organization structure.

Therefore a prima facie rejection has not been established.

Kain does not cure the shortcomings of Parulski. The rejection relies upon column 8, lines 44-53 (Office Action page 4) as teaching the "automatically identifying" element of claim 1. However, this section teaches application programmer interfaces (APIs) that interface between the client software and the file manager by "translating requests from the clients into normalized request messages understandable by the file manager." (Kain, col. 8, lines 49-52). As this section describes, a client that uses UNIX can submit a request in UNIX format and a UNIX API translates the request so the target device can understand it. Likewise, a client that uses DOS can submit a request in DOS format and the DOS API translates the request so the target device can understand it (Kain, col. 8, lines 44-53). As is known in the art, an API allows a client to use their own software to communicate with a target device/application without having to learn the specific command syntax of the target device/application (Kain, col. 1, lines 26-32). Kain is not on point.

Therefore, Kain translates client "requests," which are not camera assets and are not files. Furthermore Kain is not concerned with camera asset organization structures and does not re-organize such structures. Thus, the cited sections are not related to the present claims and fail to teach or suggest the claimed element of:

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automatically identifying a selected restructuring scheme from a plurality of restructuring schemes to use for processing the camera asset organization structure of the set of assets and metadata;

Accordingly, the combination of Parulski and Kain still fails to teach or suggest each and every element of the claim. A prima facie obviousness rejection has not been established and the rejection should be reversed.

II.   Whether Claims 12-14, 15-33, 36-39 and 40-47 are unpatentable under 35 U.S.C. §103(a) as being obvious over Kain, III et al. (US 6,119,118) in view of Hossain et al. (US Pub. 2003/0059199 A1).

As explained above, Kain teaches application programmer interfaces (APIs) that interface between the client software and the file manager by "translating requests from the clients into normalized request messages understandable by the file manager." (Kain, col. 8, lines 49-52). Kain translates client "requests," which are not camera assets and are not files. Furthermore Kain is not concerned with camera asset organization structures and does not re-organize such structures. Thus, the cited sections are not on point and fail to teach or suggest the claimed elements.

Appellant finds no teaching that relates to the claimed element of "automatically matching the asset organization scheme of a digital camera..." or "processing the collection of digital image assets of a digital camera into a standard structure in accordance with the selected asset normalizer." Thus Kain fails to support the rejection.

Hossain does not cure the deficiencies of Kain. Hossain is relied upon for disclosing "system and method for creating and viewing digital images." (EA page 7, lines 1-2). Hossain describes manually creating a digital photo album that is stored on a television based medium like a VHS tape. Creating a digital photo album includes looking through images available on a camera, converting the image data format to a television visible format, and storing the reformatted image on a tape.

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No file system reorganization occurs in Hossain. Thus, Hossain is similar to Parulski in that the internal image format is converted, which is irrelevant to the present claims. To the extent that any matching or selecting is performed, Hossain teaches that it is done manually by a user dragging and dropping a picture (Hossain, page 2 [0033].

Hossain describes receiving a group of pictures from a camera, reformatting the images into a television based storage format (e.g., VHS, DVD) and including selected pictures in a playback sequence. Thus, Hossain describes creating a digital photo album for digital photos acquired on a digital camera. The digital photo album can be viewed on a television. In Hossain, to the extent that images are re-organized, they are reorganized manually. For example, Hossain [0015] declares that the "user selects the playback sequence." In Hossain, the internal data of files is reformatted from a first format to a second format. However, not even the format selection is automated. Indeed, Hossain [0032] recites that "a user preselects which video standard 24 he or she desires for the digital photo album". Thus, in addition to being irrelevant because it concerns internal data reformatting and not file system reorganization, Hossain is further irrelevant because much of its work is performed manually by a user.

Hossain does not teach or suggest the elements as relied upon by the rejection and fails to cure the deficiencies of Kain. Therefore, a prima facie obviousness rejection has not been established and the rejection should be reversed.

III.   Whether Claims 34-35 and 48-49 are unpatentable under 35 U.S.C. §103(a) as being obvious over Kain, III et al. (US 6,119,118) in view of Hossain et al. (US Pub. 2003/0059199 A1) and further in view of Calia (US 5,450,504).

Appellant repeats the reasoning submitted in the Appeal Brief. Kain and Hossain are not on point and fail to teach or suggest the elements relied upon in the

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rejection. A prima facie obviousness rejection has not been established. The rejection should be reversed.

Conclusion

Appellant respectfully maintains all previous arguments, which show the deficiencies in the rejections, along with the additional comments submitted herein. Accordingly, Appellant respectfully requests that the Board of Appeals overturn all rejections and allow all pending claims.

Respectfully submitted,

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